

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1, 15 and 17 have been amended. Claims 1-15 and 17-18 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REASONS FOR ENTRY

Applicants request entry of this Rule 116 Response and Request for Reconsideration because the amendments of independent claims 1; 15 and 17 are merely to overcome the rejections under 35 U.S.C. §112 and to further clarify the features of the present invention. The claim amendments should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

Moreover, the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS OF CLAIMS 1-15, 17 AND 18 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

On pages 2-3, item 2, of the Action, claims 1-15, 17 and 18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In particular, the Examiner states that the recitation "informing remaining conferee peers that said data distributed conferee peer is a mirror of said remaining conferee peers", as recited in claim 1, is unclear because it asserts that a peer that has data is a mirror of a peer that does not have data.

Independent claims 1, 15 and 17 are amended herein to clarify that the data distributed

conferee peer is a mirror of the conferee host peer. Thus, the rejections of independent claims 1, 15 and 17, as well as dependent claims 2-14 and 18, are respectfully overcome.

REJECTIONS OF CLAIMS 1-15 AND 17 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER ACHACOSO ET AL. (U.S. PATENT NO. 6,772,241) IN VIEW OF OZZIE ET AL. (U.S. PATENT NO. 6,640,241)

The rejections of claims 1-15 and 17 are respectfully traversed and reconsideration is requested.

On pages 4-5 of the Action, the Examiner notes that Achacoso et al. does not teach a collaboration method effected through a peer-to-peer network, including searching for a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data, informing remaining conferee peers of the mirror, and searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror, thereby constructing a distribution route. Hence, the Examiner cites Ozzie et al. (hereinafter "Ozzie") as disclosing these features.

Ozzie relates to a peer-to-peer communication using, for example, a high-speed route having a short latency, while comparing direct communication and relay-communication for communication between peers. (Column 22, lines 11-23).

Further, column 4, lines 41-44, of Ozzie, as cited by the Examiner, merely discloses that the deltas (data change requests) are shared among all the network-capable devices.

In contrast, amended independent claims 1, for example, recites sending an electronic mail to a plurality of conferee peers, said electronic mail having a URL of a conference host peer described thereon; searching, to begin with, for a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data to said conference peer at the shortest time location; informing, after distribution of data, remaining conferee peers that said data distributed conferee peer is a mirror of said conference host peer; searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror of said conference host peer to distribute data; and repeating the above operations until completion of distribution.

That is, embodiments of the present invention are characterized by searching for a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data, and, after distribution of data, informing remaining conferee peers that said data distributed conferee peer is a mirror of said conference host peer.

Then, another conferee peer is found at a shortest time location through communication

tests from said conference host peer and from said mirror to distribute data from said mirror to the other conferee peer. The process is repeated until data distribution completes.

Thereby, a distribution route is constructed via one or a plurality of other conferee peers serving as said mirror between said conference host peer and the conferee peers.

It is submitted that neither Ozzie nor Achacoso et al., alone or in combination, teaches or suggest that a conferee peer is searched for at a shortest time location through communication tests from said conference host peer and from said mirror of said conference host peer to distribute data, and repeating the operations recited in independent claim 1 until the distribution is complete.

Amended independent claims 15 and 17 recite similar features to amended independent claim 1, described above. Thus, the foregoing arguments are also asserted thereto. Therefore, it is respectfully submitted that independent claims 1, 15 and 17 patentably distinguish over the prior art.

ALLOWABLE SUBJECT MATTER

On page 12, item 6, of the Action, the Examiner notes that claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the recitations of independent claim 1.

Claim 18 inherits the patentability of independent claim 1, which patentably distinguishes over the prior art for the reasons set forth herein. Thus, it is respectfully submitted that claim 18 is in condition for allowance as it stands.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/086,695

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5-23-2006

By: Michael P. Stanley
Michael P. Stanley
Registration No. 58,523

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501